IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO: 3545 of 2005

Between:

N.Nagammalleswara Rao S/o.Venkatappaiah,
Guntur, R/o.15-11-63 B, Nabharath Colony,

Mangalagiri Road, Guntur.

..... PETITIONER

AND

The Chairman, Tobacco Board,
Ministry of Commerce, Government of India,

Srinivasa Rao Thota, G.T.Road,Guntur.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pleased grant a direction/s, order/s, writ/s more so in the nature of writ of Mandamus declaring the action of the respondent in transferring the petitioner frequently as illegal, arbitrary and unconstitutional and against to well settled principles of law, with a malafide intention, consequently direct the respondent not to transfer from APF-13 Thadikonda, Guntur District till completion of the tenure.

Counsel for the Petitioner: MR.CHALLA AJAY KUMAR

Counsel for the Respondent: MR.S.SRINIVAS REDDY

The Court made the following:

ORDER:

Seeking a Writ of Mandamus declaring the action of the respondent in transferring the petitioner frequently as illegal, arbitrary and unconstitutional, and consequently to direct the respondent not to transfer the petitioner from APF-13, Thadikonda, Guntur District till completion of his tenure, petitioner filed this Writ Petition.

The factual matrix of the petitioner's case relevant for disposal of the writ petition may be stated thus:

Petitioner was appointed as Field Assistant in the respondent-Board in the year 1983. In 1985, he was promoted as Junior Field Officer and posted to Rangampet, East Godavari District. In 1987, he was promoted as Field Officer and transferred to Bhadrachalam, Khammam District. In 1991, he was transferred to Kaligiri, Nellore District. In 1995, he was transferred to Kandukuru, Prakasham District. In 1998, he was transferred to Podili, Prakasham District. In 2003, he was again transferred to Ongole, Prakasham District. On 13-07-2004, at his request he was transferred to Guntur. On 7-12-2004, he was transferred to Vigilance Squad, on 17-12-2004 to Extension Section, on 07-02-2005 to I.S.O Section, on 15-02-2005 to A.P.F-13, Thadikonda, Guntur District. Aggrieved by the frequent transfers, and apprehending further transfer, the petitioner filed the present writ petition.

Heard learned Counsel on either side.

The learned Counsel appearing for the petitioner submitted that the respondent is transferring the petitioner frequently from one place to another with *malafide* intention, and sought for a direction to the respondent not to transfer the petitioner from Thadikonda, Guntur district till completion of his tenure.

Per Contra, the learned Counsel appearing for the respondents contended

that since the writ petitioner was unable to cope up with the work, which was entrusted to him, he was transferred to different sections in the same premises. Elucidating his contention, the learned Counsel further submitted that the petitioner was transferred to Thadikonda at his own request, and even that transfer order was cancelled by office order dated 18-02-2005. Finally, he contended that there are absolutely no grounds to allow the writ petition, and the same is liable for dismissal.

Perused the entire material available on record.

The core grievance of the Petitioner is that he was being transferred frequently from one place to another, and in Para 5 of the affidavit filed in support of the Writ Petition he stated the details of his transfers. This allegation was refuted by the learned Counsel for the respondent stating that due to
ill-health, the petitioner was unable to cope up with the work entrusted to him, and as such, he was transferred from one section to another section within the same complex. In fact, it is specifically stated in the counter-affidavit that the petitioner was transferred to Tadikonda at his own request, and the said fact is neither denied nor disputed by the learned Counsel for the petitioner. Even otherwise, the said transfer order has also been cancelled by office order dated 18-2-2005.

A cursory scrutiny of the affidavit filed in support of the writ petition goes to show that no malafides were attributed against the Officers, who affected those transfers. That apart, it is also not stated that those transfers are contrary to the Service Rules. There cannot be any dispute that unless it is proved that the transfer is vitiated by malafides, or was made contrary to the Service Rules, or was made by way of punishment, such transfers cannot be interfered with. But, on perusal of the material available on record, no such circumstances are brought out warranting any interference of this Court.

For the foregoing reasons, the writ petition is devoid of merits, and the same is, accordingly, dismissed without any order as to costs.

12-07-2005

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To

1 The Chairman, Tobacco Board,

Ministry of Commerce, Government of India, Srinivasa Rao

Thota, G.R.Road,Guntur.

2 1 CC to MR.CHALLA AJAY KUMAR

3 1 CC to MR.KIRAN PALAKURTHI

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